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P 130941Z MAR 09
FM AMEMBASSY PRETORIA
TO RUEHC/SECSTATE WASHDC PRIORITY 7684
INFO RUCNDT/USMISSION USUN NEW YORK PRIORITY 0591
RUEHGV/USMISSION GENEVA PRIORITY 1284
RUEHUJA/AMEMBASSY ABUJA 1264

C O N F I D E N T I A L PRETORIA 000488

SIPDIS

E.O. 12958: DECL: 03/13/2019

TAGS: PREL PGOV PHUM SF

SUBJECT: SOUTH AFRICA SEEKS TO CLEAR THE AIR ON DURBAN CONFERENCE

Classified By: POL Counselor Raymond L. Brown for reasons 1.4 (B) and (D)

¶11. (C) SUMMARY: In informal meetings with the DFA's Pitso Montwedi, Poloffs have explored USG-SAG differences on the upcoming Durban Review Conference (DRC) on racism and xenophobia. Montwedi was amenable to the notion of a pared-down DRC document, emphasizing broad principles in a modern context that could guide policy and action while eliminating references to specific conflicts or extraneous add-on issues. Montwedi appears genuinely concerned to clear up misunderstandings of 2001 events and to urge renewed U.S. engagement, a message likely to be echoed by Ambassador George Nene in his requested call on the Department on March ¶116. END SUMMARY.

¶12. (U) In an ongoing series of informal meetings with the DFA's Pitso Montwedi, Chief Director for Human Rights and Humanitarian Affairs, Poloffs explored bilateral differences regarding the DRC in Geneva in April. In a relaxed veranda setting and cordial spirit, the two sides have talked at length on the conference's themes of racism, xenophobia, freedom of speech (vs. defamation of religion), and reparations for slavery. Poloffs stress that U.S. Mission Geneva has the USG lead in formal negotiations, and hence our comments are our own non-specialist views, albeit aligned to the USG's official positions per received guidance. While the chats have been casual and unofficial, they were serious and expansive, and hence may be useful to the Department in preparing for upcoming visits by the SAG's Deputy Director General for Human Rights and Foreign Minister later this month.

¶13. (SBU) Poloffs' comments have centered on three points. Firstly, references to the Israeli-Palestinian conflict should be expunged, as that conflict is not a matter of 'racism' and is inappropriately singled out as the DRC's sole country-specific issue. Second, the notion of reparations for historical slavery is not only unworkable, in terms of tracing perpetrators and victims or assigning accountability and penalties to their descendants, but the proposal also unfairly singles out the West while ignoring Afro-Arab slaving traditions and myriad modern forms of exploitation. Third, on a motion misnamed "defamation of religion" which is being used to bar anti-Islamic statements we rather defend freedom of speech from a growing threat of religious repression in some Muslim countries.

¶14. (C) Montwedi was amenable to the idea that a pared-down version of the Durban statement, emphasizing broad principles on which all sides could agree, would likely receive wider support including from the USG. Such a version would eliminate the singling-out of certain countries or regions, and it would consider racism in a modern rather than murky historical context. Montwedi agreed that country-specific issues could get out of hand if allowed into the document, as could 'scope creep' from add-on issues (e.g. homosexuals,

raised by the EU; or the disabled, suggested by Mexico) not germane to racism and better dealt with via separate initiatives or *fora*. Montwedi also described as "senseless" the EU's position that only cases prior to 2001 be considered, rather than from 2001 onward.

¶15. (C) At the April conference, Montwedi felt Ministers should make a three-part declaration. They should affirm "Durban I" as a starting point. Further, they should acknowledge that little action has been taken to implement those resolutions. Finally, they should emphasize those resolutions. Finally, they should emphasize contemporary contexts of racism over historical cases. The focus, he said, should be not on compensation for past wrongs but forward-looking concern for victims, in terms of protection, remedies, and ending impunity. The conference should examine the current document for gaps, vis-a-vis the U.N. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

¶16. (C) Montwedi seemed genuinely concerned to mend fences with the USG over the DRC, and to clear up what he felt were misunderstandings of 2001 events. He said he routinely heard "confused recollections and false reports." Specifically, he drew a distinction between the main meeting among states, and a separate rally of NGOs in a nearby stadium. "We all know there was ugliness," he admitted, "but it was coming from that NGO event, not from the states." Images of protesters carrying antisemitic placards were out of the control of the main conference. Moreover, the current Durban document is not the original outcome of the states' process. "It has grown to 64 pages -- no longer a document, but a compendium! We would do better to toss it out and start again."

¶17. (C) On a sensitive note, Montwedi also gently cautioned about U.S. approaches to negotiating conflict. Montwedi conveyed South Africa's commitment to the strengthening of the multilateral system based on consensus. He wanted to ensure the USG was aware that South Africa had challenged the Zionism issue, arguing the SAG would not approve inclusion of issues already rescinded by the UNGA. South Africa convinced Mexico to drop the issue on the disabled through quiet persuasion. However, he described aggressive and demanding behavior by the U.S. in prepcom sessions, and he regretted the U.S. decision to pre-empt any participation in debate by walking out of the conference altogether -- before it had begun, and without making the effort to forge a negotiated consensus. He felt the U.S. might have more success in achieving its aims through patient engagement rather than abandonment of the process.

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